

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD GARNES,

Petitioner,

No. CIV S-03-0527 FCD EFB P

vs.

ANTHONY LAMARQUE, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judgment was entered in this case on January 26, 2007, and this matter is currently on appeal to the United States Court of Appeals for the Ninth Circuit. On June 27, 2007, petitioner filed a request to proceed in forma pauperis on appeal. The court file reflects that petitioner paid the filing fee for this action.

Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a district court action who desires to proceed in forma pauperis on appeal must file a motion in the district court which:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

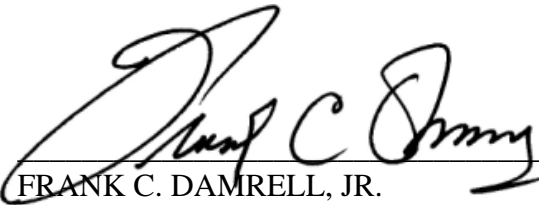
(B) claims an entitlement to redress; and

1 (C) states the issues that the party intends to present on appeal.

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3 Fed. R. App. P. 24(a)(2). On July 9, 2007, petitioner attached the appropriate affidavit which
4 demonstrates his inability to pay or to give security for fees and costs. In his February 23, 2007
5 request for a certificate of appealability, petitioner claimed entitlement to redress and described
6 the issues he intended to present on appeal. Petitioner has complied with the requirements of
7 Fed. R. App. P. 24(a). Accordingly, his request to proceed in forma pauperis on appeal will be
8 granted.

9 Good cause appearing, IT IS HEREBY ORDERED that petitioner's June 27,
10 2007 request to proceed in forma pauperis on appeal is granted.

11 DATED: August 16, 2007.

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14 FRANK C. DAMRELL, JR.
15 UNITED STATES DISTRICT JUDGE
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